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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

BROADCAST MUSIC, INC.; MJ
PUBLISHING TRUST d/b/a MIJAC MUSIC;
RONDOR MUSIC INTERNATIONAL, INC.
d/b/a IRVING MUSIC; BOY MEETS GIRL
MUSIC; WELSH WITCH MUSIC; SCREEN
GEMS-EMI MUSIC, INC.; DEVO, INC. d/b/a
DEVO MUSIC; EMI VIRGIN SONGS, INC.;
SONY/ATV SONGS LLC; FALL OUT BOY,
INC. d/b/a CHICAGO X SOFTCORE SONGS

Plaintiffs,

v.

PLAYLAND ABC, LLC d/b/a PLAYLAND
BAR; ANZHELIKA V. BISESI and STEVEN
J. SCHEFSKY, each individually

Defendants.

Case No.

COMPLAINT

Trial Date: None Set

Plaintiffs, by their attorneys, for their Complaint against Defendants, allege as follows (on knowledge as to Plaintiffs; otherwise on information and belief):

JURISDICTION

1. This is a suit for copyright infringement under the United States Copyright Act of 1976, as amended, 17 U.S.C. Sections 101 *et seq.* (the "Copyright Act"). This Court has jurisdiction pursuant to 28 U.S.C. Section 1338(a).

VENUE

2. Venue is proper in this judicial district pursuant to 28 U.S.C. Section 1400(a).

THE PARTIES

3. Plaintiff Broadcast Music, Inc. ("BMI"), is a corporation organized and existing under the laws of the State of New York. BMI's principal place of business is 7 World Trade Center, 250 Greenwich Street, New York, New York 10007. BMI has been granted the right to license the public performance rights in approximately 10.5 million copyrighted musical compositions (the "BMI Repertoire"), including those which are alleged herein to have been infringed.

4. The Plaintiffs other than BMI are the owners of the copyrights in the musical compositions, which are the subject of this lawsuit. All Plaintiffs are joined pursuant to Fed. R. Civ. P. 17(a) and 19(a).

5. Plaintiff MJ Publishing Trust is a trust doing business as Mijac Music. This Plaintiff is the copyright owner of at least one of the songs in this matter.

6. Plaintiff Rondor Music International, Inc. is a corporation doing business as Irving Music. This Plaintiff is the copyright owner of at least one of the songs in this matter.

7. Plaintiff Boy Meets Girl Music is a partnership owned by Shannon Rubicam and George Robert Merrill. This Plaintiff is the copyright owner of at least one of the songs in this matter.

8. Plaintiff Welsh Witch Music is a sole proprietorship owned by Stephanie Nicks. This Plaintiff is the copyright owner of at least one of the songs in this matter.

9. Plaintiff Screen Gems-EMI Music, Inc. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

10. Plaintiff Devo, Inc. is a corporation doing business as Devo Music. This Plaintiff is the copyright owner of at least one of the songs in this matter.

11. Plaintiff EMI Virgin Songs, Inc. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

12. Plaintiff Sony/ATV Songs LLC is a limited liability company. This Plaintiff is the copyright owner of at least one of the songs in this matter.

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13. Plaintiff Fall Out Boy Inc. is a corporation doing business as Chicago X Softcore Songs. This Plaintiff is the copyright owner of at least one of the songs in this matter.

14. Defendant Playland ABC, LLC is a limited liability company organized and existing under the laws of the State of California which operates, maintains and controls an establishment known as Playland Bar located at 1351 Polk Street, San Francisco, CA 94019 in this district (the "Establishment").

15. In connection with the operation of the Establishment, Defendant Playland ABC, LLC publicly performs musical compositions and/or causes musical compositions to be publicly performed.

16. Defendant Playland ABC, LLC has a direct financial interest in the Establishment.

17. Defendant Anzhelika V. Bisesi is a managing member of Defendant Playland ABC, LLC with responsibility for the operation and management of that limited liability company and the Establishment.

18. Defendant Anzhelika V. Bisesi has the right and ability to supervise the activities of Defendant Playland ABC, LLC and a direct financial interest in that limited liability company and the Establishment.

19. Defendant Steven J. Schefsky is a managing member of Defendant Playland ABC, LLC with responsibility for the operation and management of that limited liability company and the Establishment.

20. Defendant Steven J. Schefsky has the right and ability to supervise the activities of Defendant Playland ABC, LLC and a direct financial interest in that limited liability company and the Establishment.

CLAIMS OF COPYRIGHT INFRINGEMENT

21. Plaintiffs repeat and reallege each of the allegations contained in paragraphs 1 through 20.

22. Since May 2012, BMI has reached out to Defendants over a hundred times, by phone, mail and email, in an effort to educate Defendants as to their obligations under the Copyright Act with respect to the necessity of purchasing a license for the public performance of musical

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1 compositions in the BMI repertoire. Included in the letters were Cease and Desist Notices, providing
 2 Defendants with formal notice that they must immediately cease all use of BMI-licensed music in the
 3 Establishment.

4 23. Plaintiffs allege six (6) claims of willful copyright infringement, based upon
 5 Defendants' unauthorized public performance of musical compositions from the BMI Repertoire. All
 6 of the claims for copyright infringement joined in this Complaint are governed by the same legal
 7 rules and involve similar facts. Joinder of these claims will promote the convenient administration of
 8 justice and will avoid a multiplicity of separate, similar actions against Defendants.

9 24. Annexed to this Complaint as a schedule (the "Schedule") and incorporated herein is a
 10 list identifying some of the many musical compositions whose copyrights were infringed by
 11 Defendants. The Schedule contains information on the six (6) claims of copyright infringement at
 12 issue in this action. Each numbered claim has the following eight lines of information (all references
 13 to "Lines" are lines on the Schedule): Line 1 providing the claim number; Line 2 listing the title of the
 14 musical composition related to that claim; Line 3 identifying the writer(s) of the musical composition;
 15 Line 4 identifying the publisher(s) of the musical composition and the plaintiff(s) in this action
 16 pursuing the claim at issue; Line 5 providing the date on which the copyright registration was issued
 17 for the musical composition; Line 6 indicating the copyright registration number(s) for the musical
 18 composition; Line 7 showing the date(s) of infringement; and Line 8 identifying the Establishment
 19 where the infringement occurred.

20 25. For each work identified on the Schedule, the person(s) named on Line 3 was the
 21 creator of that musical composition.

22 26. For each work identified on the Schedule, on or about the date(s) indicated on Line 5,
 23 the publisher(s) named on Line 4 (including any predecessors in interest), complied in all respects
 24 with the requirements of the Copyright Act and received from the Register of Copyrights Certificates
 25 of Registration bearing the number(s) listed on Line 6.

26 27. For each work identified on the Schedule, on the date(s) listed on Line 7, Plaintiff
 27 BMI was (and still is) the licensor of the public performance rights in the musical composition
 28 identified on Line 2. For each work identified on the Schedule, on the date(s) listed on Line 7, the

1 Plaintiff(s) listed on Line 4 was (and still is) the owner of the copyright in the respective musical
2 composition listed on Line 2.

3 28. For each work identified on the Schedule, on the date(s) listed on Line 7, Defendants
4 publicly performed and/or caused to be publicly performed at the Establishment the musical
5 composition identified on Line 2 without a license or permission to do so. Thus, Defendants have
6 committed copyright infringement.

7 29. The specific acts of copyright infringement alleged in the Complaint, as well as
8 Defendants' entire course of conduct, have caused and are causing Plaintiffs great and incalculable
9 damage. By continuing to provide unauthorized public performances of works in the BMI Repertoire
10 at the Establishment, Defendants threaten to continue committing copyright infringement. Unless
11 this Court restrains Defendants from committing further acts of copyright infringement, Plaintiffs will
12 suffer irreparable injury for which they have no adequate remedy at law.

13 WHEREFORE, Plaintiffs pray that:

14 (I) Defendants, their agents, servants, employees, and all persons acting under their
15 permission and authority, be enjoined and restrained from infringing, in any manner, the
16 copyrighted musical compositions licensed by BMI, pursuant to 17 U.S.C. Section 502;

17 (II) Defendants be ordered to pay statutory damages, pursuant to 17 U.S.C.
18 Section 504(c);

19 (III) Defendants be ordered to pay costs, including a reasonable attorney's fee, pursuant
20 to 17 U.S.C. Section 505; and

21 (IV) Plaintiffs have such other and further relief as is just and equitable.
22

23 DATED: November 12, 2015

COBLENTZ PATCH DUFFY & BASS LLP

24
25 By: /s/ Karen S. Frank

26 Karen S. Frank

27 Attorneys for Broadcast Music, Inc., et al.
28

Schedule

Line 1	Claim No.	1
Line 2	Musical Composition	Billie Jean
Line 3	Writer(s)	Michael Jackson
Line 4	Publisher Plaintiff(s)	MJ Publishing Trust d/b/a Mijac Music
Line 5	Date(s) of Registration	12/27/82
Line 6	Registration No(s).	PA 158-772
Line 7	Date(s) of Infringement	7/12/2013
Line 8	Place of Infringement	Playland Bar

Line 1	Claim No.	2
Line 2	Musical Composition	I Wanna Dance With Somebody Who Loves Me a/k/a Somebody Who Loves Me
Line 3	Writer(s)	George Merrill; Shannon Rubicam
Line 4	Publisher Plaintiff(s)	Rondor Music International, Inc. d/b/a Irving Music; Shannon Rubicam and George Robert Merrill, a partnership d/b/a Boy Meets Girl Music
Line 5	Date(s) of Registration	11/10/86; 6/15/87; 6/30/87
Line 6	Registration No(s).	PAu 901-755; PA 343-550; PAu 985-995
Line 7	Date(s) of Infringement	6/16/2015
Line 8	Place of Infringement	Playland Bar

Line 1	Claim No.	3
Line 2	Musical Composition	Landslide
Line 3	Writer(s)	Stevie Nicks
Line 4	Publisher Plaintiff(s)	Stephanie Nicks, an individual d/b/a Welsh Witch Music
Line 5	Date(s) of Registration	6/30/75
Line 6	Registration No(s).	Eu 593046

Line 7 Date(s) of Infringement 6/16/2015

Line 8 Place of Infringement Playland Bar

Line 1 Claim No. 4

Line 2 Musical Composition We Belong

Line 3 Writer(s) David Eric Lowen; Daniel Navarro

Line 4 Publisher Plaintiff(s) Screen Gems-EMI Music, Inc.

Line 5 Date(s) of Registration 1/29/85

Line 6 Registration No(s). PA 239-328

Line 7 Date(s) of Infringement 6/16/2015

Line 8 Place of Infringement Playland Bar

Line 1 Claim No. 5

Line 2 Musical Composition Whip It

Line 3 Writer(s) Gerald V. Casale; Mark Mothersbaugh

Line 4 Publisher Plaintiff(s) Devo, Inc. d/b/a Devo Music; EMI Virgin Songs, Inc.

Line 5 Date(s) of Registration 10/14/80

Line 6 Registration No(s). PA 90-911

Line 7 Date(s) of Infringement 6/16/2015

Line 8 Place of Infringement Playland Bar

Line 1 Claim No. 6

Line 2 Musical Composition Sugar, We're Going Down a/k/a Sugar, We're Goin Down

Line 3 Writer(s) Patrick Stumph; Peter Wentz; Andrew Hurley; Joseph Trohman

Line 4	Publisher Plaintiff(s)	Sony/ATV Songs LLC; Fall Out Boy Inc. d/b/a Chicago X Softcore Songs
Line 5	Date(s) of Registration	8/11/05
Line 6	Registration No(s).	PA 1-293-246
Line 7	Date(s) of Infringement	6/16/2015
Line 8	Place of Infringement	Playland Bar
